

Los Angeles County Department of Regional Planning

# Significant Ecological Areas Technical Advisory Committee Procedures Manual

2013





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## TABLE OF CONTENTS

<b>I. INTRODUCTION</b>	<b>2</b>
<b>II. SEA CUP EXEMPTIONS</b>	<b>2</b>
<b>III. PURPOSE OF SEATAC</b>	<b>2</b>
<b>IV. CASE PROCESSING PROCEDURES</b>	<b>2</b>
A. SEATAC Review Determination	2
B. Clearing a Project for SEATAC Review	3
C. Adding an Item to the SEATAC Agenda	3
D. Before the SEATAC Meeting	3
E. The SEATAC Meeting	4
F. Regional Planning Commission	6
<b>V. ADDITIONAL INFORMATION</b>	<b>6</b>
A. General Roles and Responsibilities	6
B. SEATAC Membership	7
C. Membership Vacancy	7
D. Required Area of Expertise	7
E. SEATAC Meeting Quorums	7
F. Ethical Guidelines and Disclosure of Interest	7
G. Brown Act Body	8

## I. INTRODUCTION

Development projects that are located within a Significant Ecological Area (SEA), and do not meet the exemption discussed below, are subject to an SEA Conditional Use Permit (SEA CUP), which requires review by the SEA Technical Advisory Committee (SEATAC). This Procedures Manual provides guidelines on how to process SEA CUPs and outlines the roles, responsibilities, and organizational structure of SEATAC.

## II. SEA CUP EXEMPTIONS

Section 22.56.215.a.1 of the zoning code states, in part, that an SEA CUP is required prior to the construction or enlargement of any building or structure. Therefore, if an existing building or structure was legally established, the use does not require an SEA CUP unless an enlargement or expansion of the building or structure is being proposed.

## III. PURPOSE OF SEATAC

SEATAC is an expert advisory committee that assists the County Department of Regional Planning (Department) in assessing a project's impact on biological resources within SEAs by:

- A. Ruling on the adequacy of the biological constraints analysis and biota report (if such reports are required);
- B. Recommending redesign and/or mitigation measures to minimize or mitigate impacts to biological resources; and,
- C. Ruling on a project's compatibility with an SEA using the SEA Ordinance and the SEA Design Compatibility Criteria of the General Plan.

## IV. CASE PROCESSING PROCEDURES

### A. SEATAC Review Determination

SEA CUP projects are required to pay the SEA CUP fee, along with other associated environmental fees as determined by staff. The most updated fee schedule can be found <http://planning.lacounty.gov/fees>. After an applicant has submitted an application, the case planner consults with the staff biologist to determine what materials are needed for SEATAC to review the project. All submittals must be received before the case planner deems the application ready for SEATAC review. Additionally, the staff biologist determines the type of SEATAC review the project will require. A project will be classified as and listed on the SEATAC agenda as one of the following three types:

1. **Consent Item:** Consent items are projects that are limited in scale and/or impact and meet the standard criteria for small scale use projects as set forth in the Resolution of SEATAC for Small Scale Projects. As such, they qualify for a consent item review in which the staff biologist reviews the materials, makes any recommendations, and rules on project compatibility; and SEATAC votes on the project as a consent item.
2. **Discussion Item:** Discussion items are cases in which the staff biologist is unsure if the project will require a full SEATAC review due to the project's potential limited impact to the SEA. SEATAC will review and discuss these projects, and any materials the staff biologist asks the applicant to submit, in order to determine whether they merit full SEATAC review.
3. **Full SEATAC Review Item:** Full SEATAC review items must complete the following reports, which SEATAC reviews for adequacy:
  - a. **Biological Constraints Analysis (BCA):** The BCA is intended to assess the biological resources on the project site and in the surrounding area. A comprehensive list of what should be included in the BCA can be found in the BCA Checklist.



- b. Biota Report:** The Biota Report is intended to address project impacts on the biological resources identified in the BCA and outline proposed mitigation strategies. A comprehensive list of what should be included in the Biota Report can be found in the Biota Report Checklist.

## B. Clearing a Project for SEATAC Review

The case planner and staff biologist must complete the following steps before a project can be added to the SEATAC agenda:

- 1. Site Inspection:** The staff biologist must conduct a site inspection.
- 2. Completeness determination:** As stated in Section IV.A above, after an applicant has submitted an application, the case planner consults with the staff biologist to determine what materials are needed for SEATAC to review the project. All submittals must be received before the case planner deems the application ready for SEATAC review.
- 3. Project Review:** The case planner and staff biologist review the SEA CUP application and associated materials and complete the appropriate BCA and/or Biota Report review checklist for full SEATAC review items (see links above). Completion of the BCA and/or Biota Report Checklists verifies that the reports are adequate and are ready for SEATAC review.
- 4. Project Descriptions and Recommendation Form:** The case planner and staff biologist complete the Project Descriptions and Recommendation Form, which details basic project information, proposes any initial project or design recommendations from staff, and any questions that the case planner and/or the staff biologist may have for SEATAC.
- 5. SEATAC Transmittal Checklist:** The case planner completes the SEATAC Transmittal Checklist, which is a cover sheet documenting that all necessary items have been submitted to the SEATAC Secretary.

## C. Adding an Item to the SEATAC Agenda

The case planner and staff biologist must ensure that all items on the SEATAC Transmittal Checklist are submitted to the SEATAC Secretary **by the close of business on the first Monday of each month or by the 15th of each month**, depending on which type of SEATAC review the item is undergoing.

- 1. Consent Items:** Projects must submit materials by the close of business on the first Monday of each month, at the earliest, to be scheduled for the SEATAC meeting taking place the following month.
- 2. Discussion Items:** Projects must submit materials by the close of business on the 15th of each month, at the earliest, to be scheduled for the SEATAC meeting taking place the six weeks from that date.
- 3. Full SEATAC Review Items:** Projects must submit materials by the close of business on the first Monday of each month, at the earliest, to be scheduled for the SEATAC meeting taking place two months from that date.

The SEATAC Coordinator will determine how many items will be allowed on a given SEATAC agenda. If space permits, and if the Staff Biologist deems it appropriate, some cases may be scheduled for SEATAC review even if they do not meet the deadlines specified above. All SEA CUP projects are required to be heard by SEATAC at least once, with a maximum of three reviews (total) per project.

## D. Before the SEATAC Meeting

For full SEATAC review items, the SEATAC Coordinator and SEATAC Secretary complete the following tasks on the timeline outlined as follows:

- 1. Seven (7) weeks prior to the SEATAC meeting:**
  - The SEATAC Secretary uploads the draft agenda and all project materials for SEATAC review to the SEATAC webpage at: <http://planning.lacounty.gov/agenda/seatac>.
  - The SEATAC Secretary ensures there is a quorum for the SEATAC meeting.

## 2. Three (3) weeks prior to the SEATAC meeting:

- SEATAC members who have comments on projects must submit their Case Notes to the SEATAC Secretary, who will then compile them into the Master List of Case Notes, which is a single document containing all case notes from all SEATAC members. This document is intended to guide the discussion at SEATAC meetings and does not constitute official SEATAC recommendations.

## 3. Two (2) weeks prior to the SEATAC meeting:

- The SEATAC Secretary sends the Master List of Case Notes to the case planner, staff biologist and applicant, and posts the notes to the SEATAC webpage.
- The case planner and staff biologist review the Master List of Case Notes and may bring up any possible questions or comments at the SEATAC meeting.
- SEATAC members attending the SEATAC meeting submit the SEATAC Interest Disclosure Form.

## 4. One (1) week prior to the SEATAC meeting:

- All written public comments are distributed to SEATAC members and are posted to the SEATAC webpage.

## 5. At least 72 hours prior to the SEATAC meeting:

- The SEATAC Secretary posts the final agenda to the SEATAC webpage and outside of the Regional Planning Commission (RPC) Hearing Room.
- The SEATAC Secretary submits a Meeting Request Form to the Department's technical support staff requesting all necessary audio-visual aids for the SEATAC meeting.
- The SEATAC Secretary posts meeting minutes from the previous SEATAC meeting to the SEATAC webpage.

## E. The SEATAC Meeting

SEATAC meetings are held the first Monday of each month in Room 150 of the Hall of Records, 320 West Temple Street, Los Angeles CA, 90012. Meetings begin at 1:00 pm unless otherwise notified.

The SEATAC Coordinator will call the meeting to order and call each agenda item before SEATAC. SEATAC meetings are structured so that cases are scheduled in the order they were received. The structure of the agenda is as follows:

1. Consent Items;
2. Discussion Items;
3. SEATAC Review: BCAs;
4. SEATAC Review: Biota Reports;
5. Other Business.

All meetings will be conducted as follows:

1. **Staff Presentation:** The case planner provides a brief presentation to SEATAC that includes a project description, and the staff biologist, if applicable, presents any issues or recommendations identified with the project and/or resources on the site.
2. **SEATAC Discussion:** SEATAC will hold a technical discussion of the biological materials submitted to the Department. SEATAC will also discuss recommendations that were submitted in the Master List of Case Notes. SEATAC may amend this list based on discussion, and may discuss additional recommendations not appearing in the Master List of Case Notes. SEATAC may call on the case planner, staff biologist, applicant, or the applicant's biologist in order to gain clarity about the proposed project.
3. **Public Comment:** Public comments on specific cases must be heard before any action is taken on each case. In addition, written public comments may be submitted via email ([seatac@planning.lacounty.gov](mailto:seatac@planning.lacounty.gov)) or through the mail system (SEATAC Coordinator, Floor 13, 320 W. Temple Street, Los Angeles CA, 90012). All written comments must be received at least one week prior to the SEATAC meeting in order for SEATAC members to receive the comments in advance of the meeting.

All written comments received after this point will be distributed to SEATAC on the day of the meeting and subsequently posted to the SEATAC webpage.

**4. SEATAC Action:** For each type of SEATAC review, SEATAC may take the following actions.

**a. Consent Items:**

- i. Concur with staff biologist's recommendations and declaration of compatibility.
  - 1. The project is compatible with the SEA Design Compatibility Criteria of the General Plan; or
- ii. Conclude that the project does not qualify for expedited review.
  - 1. Recommend the project undergo full SEATAC review.

**b. Discussion Cases:**

- i. Conclude that the project does not merit a full SEATAC review.
  - 1. The project is compatible with the SEA Design Compatibility Criteria of the General Plan; or
- ii. Conclude that the project should undergo full SEATAC review.

**c. Full SEATAC Review:**

- i. BCA Review: SEATAC rules on the adequacy of the BCA report and takes one of the following actions:
  - 1. The BCA is adequate and does not require any revisions.
    - » The project may begin with the preparation of the Biota Report ;
  - 2. The BCA is adequate pending specific revisions as identified by SEATAC.
    - » The staff biologist will verify that these revisions were made prior to the project beginning work on the Biota Report; or
  - 3. The BCA is inadequate and requires major revisions.

- » SEATAC will require the revised BCA to come back for an additional review prior to the project beginning work on the Biota Report.

ii. Biota Report Review: SEATAC rules on the adequacy of the Biota Report and Project Compatibility, and takes one of the following actions:

- 1. The Biota Report is adequate.
  - » The project impacts to the SEA are identified and analyzed.
  - » The baseline conditions of the project site are accurately assessed.
  - » Proposed mitigation strategies for each impact are identified. If the proposed mitigation strategy will not fully mitigate the impact, then that impact should be declared unavoidable and significant; or
- 2. The Biota Report is inadequate.
  - » If the project has already come before SEATAC three times, the staff biologist independently verifies the adequacy of the revised Biota Report .
  - » If the project has not come before SEATAC three times, SEATAC may request that the revised Biota Report return for an additional SEATAC review; and

iii. Ruling of Project Compatibility: At the conclusion of SEATAC's review of a project, SEATAC will make a ruling on the project's compatibility based on the SEA CUP burden of proof responses and the SEA Design Compatibility Criteria of the General Plan. SEATAC's ruling of compatibility will be included in the Department's report to the RPC. SEATAC will declare the project to be either:

- » Compatible with the SEA Design Compatibility Criteria of the General Plan and meets the SEA CUP burden of proof; or
- » Incompatible with the SEA Design Compatibility Criteria of the General Plan and/or does not meet the SEA CUP burden of proof.

At any stage of the SEATAC review process, SEATAC may make recommendations related to issues such as project design, submitted materials, or other project-related elements. Any recommendations that arise in the Master List



of Case Notes or during the SEATAC meeting discussion must be approved by a quorum of SEATAC to become official SEATAC recommendations for that project. These recommendations do not preclude SEATAC from taking any of the actions listed in this section. All official SEATAC project recommendations will be included in the Department's Staff Report to the RPC. This can be done either through attaching the meeting minutes containing project recommendations, or attaching the Project Description and Recommendations Form if the recommendations contained in this form are approved by SEATAC.

## F. Regional Planning Commission

The RPC is the decision-making body for SEA CUPs unless the project is appealed or called for review by the Board. As part of the standard Staff Report, the case planner includes SEATAC's project recommendations and ruling of compatibility. As necessary, SEATAC notes and recommendations may be incorporated into the associated environmental document.

The Department retains the right to propose conditions or mitigation measures for a project other than those recommended by SEATAC. The Department may also recommend approval or denial of a project even when doing so would be contrary to SEATAC's ruling of compatibility. For these projects, the case planner must still include SEATAC's ruling of compatibility and project recommendations in the staff report with an explanation of why SEATAC's recommendations were not used.

# V. ADDITIONAL INFORMATION

## A. General Roles and Responsibilities

- 1. SEATAC Members:** SEATAC members review all project materials and complete project notes before each SEATAC meeting, provide project recommendations based on the materials submitted, and conclude whether the project is compatible with the SEA Design Compatibility Criteria of the General Plan and the SEA CUP burden of proof
- 2. SEATAC Coordinator:** The SEATAC Coordinator is appointed by the Director of the Department and is responsible for communicating with SEATAC

members, finalizing SEATAC agendas, and facilitating SEATAC meetings. The SEATAC Coordinator ensures that actions taken at SEATAC meetings are clearly stated and voted upon. The SEATAC Coordinator also oversees the SEATAC Secretary.

- 3. SEATAC Secretary:** The SEATAC Secretary reports to the SEATAC Coordinator and Department Current Planning Division management. The SEATAC Secretary maintains the SEATAC schedule, books the meeting room, tracks all SEATAC deadlines, collects and distributes all submission materials, posts items to the SEATAC webpage, assists SEATAC with requests including parking reimbursements, and other administrative tasks as required.
- 4. Case Planner:** The Case Planner coordinates with the Staff Biologist, SEATAC Coordinator, and SEATAC Secretary so that SEA CUP applications are brought for review to SEATAC. The Case Planner is also responsible for incorporating SEATAC notes and recommendations into the project Staff Report, findings, conditions of approval, and environmental document as appropriate.
- 5. Staff Biologist:** The Staff Biologist determines what materials need to be submitted for each project, what type of SEATAC review a project undergoes, assists the Case Planner in the review of the project materials, provides recommendations, and prepares the SEATAC Meeting Minutes which are approved at the beginning of the following SEATAC meeting.
- 6. Applicant's Biologist:** Applicants with projects in an SEA must hire a biologist from the Department's Certified List of Biologists who must prepare a BCA and Biota Report, where applicable. This list is reviewed annually and publicly maintained at [http://planning.lacounty.gov/assets/upl/project/consultants\\_seatac.pdf](http://planning.lacounty.gov/assets/upl/project/consultants_seatac.pdf). The applicant's biologist also must be present at SEATAC meetings in order to answer questions related to reports that they prepare. Biologists may request to be added to this list at any time, and inclusion is determined by the Staff Biologist.

**7. SEATAC Sub-Committees:** SEATAC Sub-Committees are sub-groups comprised of SEATAC members that represent less than a quorum and that carry out specific tasks pertaining to SEATAC business. These tasks may include researching and summarizing literature on species or development practices, conducting site inspections, or composing official communications from SEATAC. All work completed by a SEATAC Sub-Committee must be presented at a SEATAC Meeting for final approval.

## B. SEATAC Membership

SEATAC is comprised of up to 15 members that serve staggered three year terms. SEATAC members are selected by the Department's Director. There is no limit to the number of terms a member may serve, and all terms are renewed by the Director.

## C. Membership Vacancy

Announcements on SEATAC vacancies are prepared by the SEATAC Coordinator and posted on the SEATAC webpage. The SEATAC Coordinator is responsible for soliciting applications from relevant organizations or businesses. The Director selects new SEATAC members from solicited applications in consultation with Department staff. The Director will issue a memo to the Department and the remaining SEATAC members informing them of any new SEATAC members.

## D. Required Area of Expertise

SEATAC members must have a demonstrated biological knowledge of the Southern California region. SEATAC members have a background in the environmental and biological sciences, with expertise in biology, botany, entomology, ecology and/or zoology. However, up to three of the 15 SEATAC members may be selected for their expertise in fields that include other forms of environmental review, such as landscape architecture, environmental engineering, or environmental design. In order to be interviewed as a candidate for SEATAC, all candidates shall have either a graduate-level studies in an environmental field or professional experiences in an environmental field.

## E. SEATAC Meeting Quorums

A maximum of five SEATAC members will sit in review at each SEATAC meeting, and the quorum for SEATAC meetings will be three members. At least two of these three members must possess expertise in environmental and/or biological sciences. If more than five SEATAC members are

available to attend a given meeting, the five with expertise most relevant to projects on that month's SEATAC agenda will be selected by the SEATAC Coordinator, in consultation with the Staff Biologist, to attend that SEATAC meeting. This selection will be made within one week following the release of the draft SEATAC meeting agenda.

## F. Ethical Guidelines and Disclosure of Interest

To preserve the impartiality of the process, SEATAC members are required to disclose any potential conflicts of interest they might have in the outcome of any case discussed at SEATAC meetings. SEATAC members are required to submit a written notice of disclosure to the applicant and the Department two weeks prior to the SEATAC meeting. Examples of potential conflicts of interest include:

1. The applicant has hired a SEATAC member for their project;
2. A SEATAC member has been hired by another applicant for a property that's adjoining the site under discussion; or,
3. A SEATAC member is involved in some manner with any individual or organization that has a clear financial interest in the outcome of the case (e.g., the SEATAC member is employed by a firm which wants to propose additional development in the area if the site under discussion is developed).

Department staff and/or an applicant may request that a member of SEATAC be recused in a case where a potential conflict of interest exists. SEATAC members may also voluntarily recuse themselves from project discussions. If a SEATAC member discloses a potential conflict of interest and there is no subsequent request for recusal from Department staff or the applicant, then the member shall be free to serve SEATAC on the case. If a member discloses a conflict of interest, and a request is made for recusal, the Director will determine in writing whether or not the SEATAC member is required to recuse themselves from the review. Failure to disclose conflicts of interest by SEATAC members may result in the dismissal of the member from SEATAC at the discretion of the Director.

Members who have been recused from specific cases will be recused for the entire SEATAC meeting, but they may attend the SEATAC meetings as a general member of the

public. If a recused member of SEATAC chooses to utilize the public comment period to comment on a specific case, they must clearly state that they are doing so as a member of the public, not as a member of SEATAC, and they will be allotted the same amount of time to speak as all other members of the public.

### **G. Brown Act Body**

SEATAC meetings are subject to the Brown Act. As such, meeting schedules, agendas, and other SEATAC information are available on the SEATAC webpage. SEATAC members may remotely attend a SEATAC location only at the discretion of the SEATAC Coordinator and only if all of the following criteria are met:

1. The remote location is located in the County of Los Angeles.
2. The remote location complies with all Brown Act requirements. Specifically, the SEATAC meeting agenda must be posted outside of the remote location at least 72 hours prior to the SEATAC meeting.
3. The remote location is in compliance with all ADA standards so that all members of the public may access and attend.